

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MATTHEW AUSLANDER,

Plaintiff,

v.

HECTOR LORA, et al.,

Defendants.

Civil Action No. 20-
12542 (MEF) (JBC)

ORDER

In April of 2023, the Court sua sponte ordered the Plaintiff to show cause as to why the case should not be dismissed for failure to participate in discovery, thereby "essentially" abandoning his case. See Order to Show Cause (Docket Entry 40).

In October of 2023, the Plaintiff responded with a Certification, stating that he understood that failure to provide certain discovery would lead to dismissal of his case. See Certification of Plaintiff (Docket Entry 43).

In January of 2024, United States Magistrate Judge James B. Clark, III issued a Report and Recommendation ("Report") sua sponte, recommending that the case be dismissed for failure to comply with Court orders and failure to prosecute the case. See Report & Recommendation (Docket Entry 45).

The Report states that the Plaintiff "has explicitly and consistently refused to provide information responsive to Defendants' discovery requests." Report at 7. That is based on the Plaintiff's refusal to answer several interrogatories served by the Defendants, despite Court Orders to do so. See id. at 4-5. The Report finds that "Plaintiff's failure to meaningfully participate in this litigation and willful abandonment of his claims establish Plaintiff's inability to adequately prosecute this matter." Id. The Report then recommends dismissal with prejudice. See id. at 7-8.

The Report is well-reasoned and thorough. It provides a close, careful, analysis of the governing legal principles and how they apply in this case.

Objections to the Report were due by February 5, 2024. No objections were filed.

After that deadline, Court then issued a separate text order on February 15, 2024, stating that it would dismiss the case without prejudice if no response or objection to the Report were filed by February 22, 2024. Nothing has been filed.

Given the above, the Court adopts the main recommendation of the Report and dismisses the case without prejudice.

IT IS on this 23rd day of February, 2024, so **ORDERED**.



Michael E. Farbiarz, U.S.D.J.